

REMARKS

Applicants note with great appreciation the time and courtesies extended Applicants during a telephone interview with Supervisory Patent Examiner Paul L. Rodriguez on July 15, 2008, during which an agreement was reached on the outstanding issues as explained in greater detail below. As set forth above, Applicants have amended claims 1, 27, 46, 59, 82 and 95. No new matter has been added by way of these amendments. Additionally, Applicants note with appreciation the Office's indication that claims 1-4, 6-23, 25-42, 44-67, 69-80, 82-93, 95-97, 107-109 and 116-124 are now allowable over the prior art of record. In view of the above amendments and the following remarks, reconsideration of the outstanding office action and advisory action is respectfully requested.

The Office has objected to claim 82 asserting the claim appears to be missing a full stop period at the end of the claim. Accordingly, Applicants have amended claim 82 to include the missing period as set forth above. In view of the foregoing amendment and remarks the Office is respectfully requested to reconsider and withdraw the rejections.

The Office has rejected claims 27, 28, 46, 47, 48 and 95 under 35 U.S.C. 112, second paragraph, asserting these claims now depend from claims which were cancelled in response to the prior Office Action. Applicants sincerely apologize for this oversight and have amended claims 27, 46, and 95 as set forth above so these claims all now depend from pending claims. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and with this rejection.

The Office had rejected claims 11-12, 29-30, 49-50, and 122-124 under 35 U.S.C. §101. Pursuant to Applicants' telephone conversation with Supervisor Examiner Paul L. Rodriguez, an agreement was reached and this rejection has been withdrawn by the Office.

Additionally, the recently issued Advisory Action indicated Applicant's prior response was non-compliant because claim 12 was cancelled, but still appeared in the listing of claims. Accordingly, Applicants sincerely apologize for this oversight and have cancelled the inadvertent inclusion of cancelled claim 12 in the claim listings above. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

Further, the Advisory Action indicated claims 1 and 59 would be rejected under 35 U.S.C. §101 as non-statutory because the processes recited neither 1) transform underlying subject matter to a different state or thing, nor 2) are tied to another statutory class. As set forth in the memorandum entitled, “Clarification of “Processes” under 35 USC §101” by John J. Love the Deputy Commissioner for Patent Examination Policy, a claim that recites purely method steps would not qualify. Accordingly, pursuant to Applicants’ telephone conversation with Supervisor Examiner Paul L. Rodriguez, an agreement was reached and Applicant has amended claims 1 and 59 above to recite, *inter alia*, “assessing in at least one processing system . . .” so these claims no longer recite purely method steps and thus qualify as a patent eligible process. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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